

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

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RICHARD W. NAGEL
CLERK OF COURT

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Case No. 1:24-cv-214 AT

AKIL CHILDRESS, et al.,
Plaintiffs,

v.

CITY OF CINCINNATI, OHIO; et al.
Defendants.

Judge Douglas R. Cole

**PLAINTIFFS' COMPREHENSIVE RESPONSE TO COURT INQUIRY REGARDING
REMAINING DEFENDANTS AND QUI TAM CLAIMS UNDER THE FALSE CLAIMS
ACT**

TO THE HONORABLE JUDGE DOUGLAS R. COLE:

Now come the Plaintiffs, Pro Se, in response to this Court's Notation Order requesting Plaintiffs' views on the status of the remaining City of Cincinnati and Hamilton County Defendants. We respectfully submit this comprehensive response addressing both our Section 1983 civil rights claims and our qui tam claims under the False Claims Act, demonstrating how these defendants participate in a coordinated scheme that defrauds the federal government while violating constitutional rights.

I. INTRODUCTION AND LEGAL FOUNDATION

A. Dual Nature of Claims

This case presents both traditional civil rights violations under 42 U.S.C. § 1983 and fraud against the United States under the False Claims Act, 31 U.S.C. §§ 3729-3733. The defendants' systematic discrimination against minority property owners while receiving federal funding and certifying civil rights compliance constitutes both constitutional violations and fraud against the federal government.

B. DOJ Civil Rights Fraud Initiative

The Department of Justice recently announced the establishment of the Civil Rights Fraud Initiative, which will utilize the False Claims Act to investigate and pursue claims against any recipient of federal funds that knowingly violates federal civil rights laws. When a qui tam action is successful, the whistleblower typically receives a portion of the monetary recovery. This case falls squarely within this initiative's scope.

II. FALSE CLAIMS ACT FOUNDATION

A. Legal Framework

The False Claims Act provides that any person who knowingly submits, or causes to submit, false claims to the government is liable for three times the government's damages plus a penalty that is linked to inflation. This law allows ordinary private citizens (also known as "relators") to file whistleblower cases (known as "qui tam" suits) on behalf of the government. Successful qui

tam whistleblowers can receive a portion of the government's recovery ranging between 15 and 30 percent.

B. Application to Civil Rights Violations

The False Claims Act applies when recipients of federal funding falsely certify compliance with civil rights laws. Each certification of compliance submitted while engaging in systematic discrimination constitutes a false claim under 31 U.S.C. § 3729(a)(1)(A) and (B).

III. ORGANIZATIONAL STRUCTURE ESTABLISHES COORDINATED FRAUD SCHEME

A. Federal Funding Recipients

All remaining defendants receive substantial federal funding through various programs including:

- Community Development Block Grants (CDBG)
- HOME Investment Partnerships Program
- Department of Justice law enforcement grants
- HUD housing and community development grants
- EPA environmental grants
- Department of Transportation infrastructure grants

B. Required Civil Rights Certifications

As recipients of federal funding, defendants must certify compliance with:

- The Civil Rights Act of 1964
- The Fair Housing Act
- Section 504 of the Rehabilitation Act
- The Americans with Disabilities Act
- Constitutional Due Process and Equal Protection requirements

IV. DEFENDANTS' ROLES IN THE COORDINATED SCHEME

A. City of Cincinnati and Buildings & Inspections Department Personnel

Primary Role: Initiate discriminatory enforcement actions while the City submits false certifications of civil rights compliance to federal agencies.

False Claims Act Violations:

- Knowingly submitting false compliance certifications while engaging in discriminatory enforcement
- Creating false records material to federal funding claims
- Conspiracy to defraud the federal government

Named Individual Defendants: Bill Hern, Mike Fehn, Sean Minihan, Terry James, David Schneider, Dave Longhom, Aaron Ice, and "Other Unnamed Building Inspectors" act under color of law pursuant to policies that systematically violate civil rights while the City falsely certifies compliance.

B. Hamilton County Land Reutilization Corporation (HCLRC) Board Members

Defendants: Commissioner Denise Driehaus, Commissioner Alicia Reese, Commissioner Stephanie Summerow Dumas, and County Treasurer Jill Schiller serve dual roles as county officials and HCLRC board members.

Primary Role: Govern entity that acquires properties seized through discriminatory enforcement while submitting false certifications regarding fair housing compliance.

False Claims Act Violations: Participating in a scheme that involves false statements about civil rights compliance while benefiting from discriminatorily-acquired properties.

C. Cincinnati Port Authority

Primary Role: Manages HCLRC operations and coordinates the property acquisition scheme while submitting false compliance certifications for federal funding.

False Claims Act Violations: Managing operations that systematically acquire properties through discriminatory processes while certifying compliance with fair housing and civil rights laws.

D. Hamilton County and County Auditor Dusty Rhodes

Primary Role: Facilitates property seizures through coordinated tax proceedings while the County submits false compliance certifications for federal funding.

False Claims Act Violations: Participating in coordinated scheme while falsely certifying compliance with constitutional requirements for federal funding.

V. LEGAL AUTHORITY FOR QUI TAM CLAIMS

A. Supreme Court Precedent

Recent Supreme Court cases have clarified False Claims Act liability standards. See U.S. ex rel Schutte v. SuperValu Inc., 598 U.S. ____ (2023); U.S. ex rel. Proctor v. Safeway, Inc., 598 U.S. ____ (2023). The FCA carries criminal and civil penalties, including treble damages.

B. Qui Tam Standing and Procedures

The False Claims Act allows private parties to file qui tam actions alleging that defendants defrauded the federal government. Plaintiffs have standing as private citizens who discovered this fraud scheme through their personal experience and community investigation.

C. Municipal Liability Under Both Statutes

Under *Monell v. Department of Social Services*, 436 U.S. 658 (1978), municipalities face Section 1983 liability for official policies causing constitutional violations. Similarly, under the False Claims Act, municipal entities face liability for knowingly submitting false claims or certifications to the federal government.

VI. EVIDENCE OF FALSE CLAIMS AND CONTINUING VIOLATIONS

A. Pattern of False Certifications

Defendants have submitted and continue to submit materially false statements to federal agencies, including:

1. Annual compliance certifications falsely stating adherence to civil rights laws
2. Grant applications containing false representations about equal enforcement
3. Reports falsely claiming constitutional due process protections
4. Certifications regarding fair housing compliance while operating discriminatory acquisition schemes

B. Continuing Nature of Violations

The violations are ongoing, with Plaintiffs experiencing continued targeting, fining, and punishment as recently as days before this filing. Each day defendants retain unlawfully acquired properties while submitting false compliance reports constitutes continuing violations of both statutes.

VII. RELIEF REQUESTED UNDER DUAL LEGAL THEORIES

A. False Claims Act Relief

Treble Damages: Recovery of three times the federal funds improperly obtained through false certifications.

Civil Penalties: Statutory penalties for each false claim submitted to federal agencies.

Whistleblower Award: Plaintiffs' statutory share of recovery (15-30%) under 31 U.S.C. § 3730(d).

B. Section 1983 Relief

Constitutional Remedies: The specific relief detailed in our original response, including:

Procedural reforms and removal of unconstitutional police powers

Independent oversight and statistical assessment of discriminatory enforcement

Transparency measures including forensic audits and organizational disclosure

Protective measures for vulnerable property owners

Compensatory and punitive damages for constitutional violations

Prospective injunctive relief to prevent future violations

C. Coordinated Relief Necessity

Effective relief requires addressing both the constitutional violations and the federal fraud. The False Claims Act provides financial deterrent effect, while Section 1983 provides necessary procedural and constitutional protections.

VIII. CONCLUSION AND REQUEST FOR RETENTION OF ALL DEFENDANTS

Plaintiffs respectfully request that this Court retain all remaining defendants because:

Coordinated Scheme

Their organizational relationships establish a unified scheme violating both constitutional rights and federal fraud laws;

Joint and Several Liability

Each entity's participation makes them liable under both legal theories for the complete scope of violations;

Federal Interest

The False Claims Act provides the federal government with a direct financial interest in this litigation;

Comprehensive Relief

Effective resolution requires addressing both constitutional violations and federal fraud;

Deterrent Effect

Combined FCA and Section 1983 liability provides necessary deterrent to prevent future violations;

Continuing Violations

The ongoing nature of both constitutional and fraud violations requires immediate and comprehensive judicial intervention.

The systematic nature of defendants' coordinated scheme—targeting minority property owners while defrauding the federal government—demands accountability under both civil rights and fraud statutes. Only by proceeding against all defendants under both legal theories can this Court provide complete justice and ensure these violations cease.

We respectfully request this Court's intervention to protect both constitutional rights and federal resources through comprehensive relief against all defendants.

Respectfully submitted,

Akil Childress, et al.

Plaintiffs, Pro Se

A handwritten signature in blue ink, appearing to read "Akil Childress", is written over the text "Respectfully submitted,".

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing will be served upon all counsel of record via the Court's CM/ECF system and upon the Attorney General of the United States and the U.S. Attorney for the Southern District of Ohio pursuant to Fed. R. Civ. P. 4 and 31 U.S.C. § 3730(b)(2) on this 22 day of August, 2025.

Akil Childress, et. al Pro Se

VERIFICATION

We, Akil Childress et al, verify under penalty of perjury that I have read the foregoing Response and that the facts stated therein are true and correct to the best of my knowledge, information, and belief.